

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Morey L. Sear
United States District Court
Eastern District of Louisiana

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States District Court
Western District of Tennessee

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

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<http://www.jpml.uscourts.gov>

December 12, 2001

Bruce Rifkin, Clerk
215 William Kenzo Nakamura
U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104



DEC 17 2001

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

(See Attached Schedule CTO-5)

Dear Mr. Rifkin:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on November 26, 2001. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), execution of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

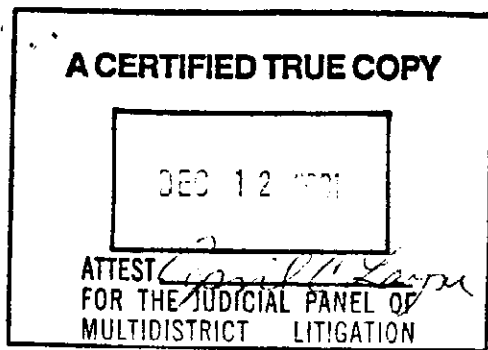
Very truly,

Michael J. Beck
Clerk of the Panel

By April A. Lagne
Deputy Clerk

Attachments

cc: Transferee Judge: Hon. Barbara Jacobs Rothstein
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)



JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

NOV 26 2001

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-5)

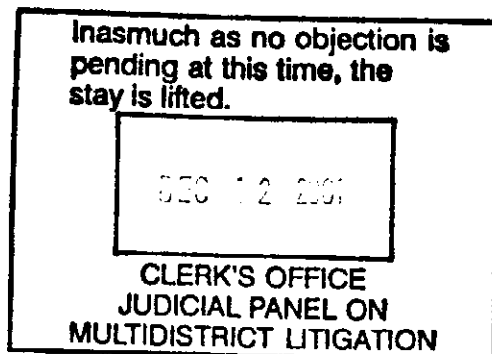
On August 28, 2001, the Panel transferred eight civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. Since that time, more than 60 additional actions have been transferred to the Western District of Washington. With the consent of that court, all such actions have been assigned to the Honorable Barbara Jacobs Rothstein.

It appears that the actions listed on the attached schedule involve questions of fact which are common to the actions previously transferred to the Western District of Washington and assigned to Judge Rothstein.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the actions listed on the attached schedule are hereby transferred under 28 U.S.C. §1407 to the Western District of Washington for the reasons stated in the order of August 28, 2001, and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein.

This order does not become effective until it is filed in the office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Michael J. Beck
Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-5 TAG ALONG CASES
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

DISTRICT DIV CIVIL ACTION#

LOUISIANA MIDDLE

LAM	3	01-844	Lowery v. Bayer Corp., et al.
LAM	3	01-849	Hand, et al. v. Chattem, Inc., et al.
LAM	3	01-860	Alexander, et al. v. Bayer Corp.
LAM	3	01-861	Wolfe, et al. v. Bayer Corp., et al.
LAM	3	01-864	Nuernberg v. Novartis Corp., et al.
LAM	3	01-865	Butitta, etc. v. Novartis Corp., et al.
LAM	3	01-872	McGee, et al. v. Bayer Corp., et al.

LOUISIANA WESTERN

LAW	1	01-2090	Jenkins v. Bayer Corp.
LAW	1	01-2091	McKey, et al. v. Bayer Corp.
LAW	2	01-2093	Stemmann v. Bayer Corp.
LAW	2	01-2094	Norwood, et al. v. Bayer Corp., et al.
LAW	3	01-2097	Young, etc. v. Bayer Corp.
LAW	5	01-1981	Williams v. GlaxoSmithKline, et al.
LAW	5	01-2099	Beach, et al. v. Smithkline Beechman Corp., et al.
LAW	6	01-2092	Taylor, etc. v. Bayer Corp.
LAW	6	01-2141	Mitchell, et al. v. Bayer Corp., et al.

MINNESOTA

MN	0	01-1868	Medina, etc. v. Bayer Corp., et al.
MN	0	01-1880	Aldridge v. Novartis Pharmaceuticals Corp.

MISSISSIPPI SOUTHERN

MSS	5	01-309	Averill v. Schering-Plough Healthcare Products, Inc.
MSS	5	01-316	Gary v. Chattem, Inc.

INVOLVED COUNSEL LIST (CTO-5)
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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2300 Energy Centre
1100 Poydras Street
New Orleans, LA 70163

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Baton Rouge, LA 70809

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209 Hoppen Place
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Cook, Yancey, et al.
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Shreveport, LA 71120

W. James Singleton
4050 Linwood Avenue
Shreveport, LA 71108

Charles E. Sorey, II
Ramsey Law Firm, P.C.
21 North Florida Street
Mobile, AL 36607

INVOLVED JUDGES LIST (CTO-5)
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Hon. William H. Barbour, Jr.
U.S. District Judge
430 James O. Eastland U.S. Courthouse
245 East Capitol Street
Jackson, MS 39201

Hon. James J. Brady
U.S. District Judge
369 Russell B. Long Federal Building
777 Florida Street
Baton Rouge, LA 70801

Hon. David C. Bramlette, III
U.S. District Judge
216 Federal Building
725 Martin Luther King, Jr. Blvd.
Biloxi, MS 39530

Hon. Richard T. Haik, Sr.
U.S. District Judge
4200 U.S. Courthouse
800 Lafayette Street
Lafayette, LA 70501

Hon. Robert G. James
U.S. District Judge
U.S. District Court
P.O. Drawer 3107
Monroe, LA 71201

Hon. F. A. Little, Jr.
Chief Judge, U.S. District Court
P.O. Box 1031
Alexandria, LA 71309

Hon. Paul A. Magnuson
U.S. District Judge
730 Warren E. Burger Federal Building
316 North Robert Street
St. Paul, MN 55101

Hon. Tom Stagg
Senior U.S. District Judge
4100 U.S. Courthouse
300 Fannin Street
Shreveport, LA 71101

Hon. James T. Trimble, Jr.
U.S. District Judge
237 Edwin F. Hunter Jr.
U.S. Courthouse & Federal Building
611 Broad Street
Lake Charles, LA 70601

Hon. John R. Tunheim
U.S. District Judge
13E U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Hon. Ralph E. Tyson
U.S. District Judge
301 Russell B. Long Federal Building
777 Florida Street
Baton Rouge, LA 70801

Hon. Donald E. Walter
U.S. District Judge
4200 U.S. Courthouse
300 Fannin Street
Shreveport, LA 71101

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 19, 2001

J. T. Noblin, Clerk
US District Court
316 James O. Eastland US Courthouse
245 E. Capitol St
Jackson, MS 39201

IN RE: MDL 1407 Phenylpropanolamine (PPA) Products Liability Litigation

Dear Clerk:

Enclosed is a certified copy of the Transfer Order (CTO-5) entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2001. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
1. Averill vs. Schering-Plough
2. Gary vs. Chattem Inc

Your Number
5:01-309
5:01-316

WAW Number
C01-2091

C01-2092

Sincerely,

BRUCE RIFKIN, CLERK
BY *Mary Duett*
Mary Duett, Deputy Clerk
206-553-4080 ext 2154

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 19, 2001

Richard Sletten, Clerk
US District Court
700 Warren E. Burger Federal Bldg
316 North Robert Street
St Paul, MN 55101

IN RE: MDL 1407 Phenylpropanolamine (PPA) Products Liability Litigation


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Title of Case	Your Number	WAW Number
1. Medina vs. Bayer Corp	0:01-1868	C01-2093
2. Aldridge vs. Novartis Pharm.	0:01-1880	
		C01-2094

Sincerely,

BRUCE RIFKIN, CLERK
BY 
Mary Duett, Deputy Clerk
206-553-4080 ext 2154

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U. S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 19, 2001

Honorable Robert H. Shemwell, Clerk
US District Court
1167 United States Courthouse
300 Fannin Street
Shreveport, LA 71101-308

IN RE: MDL 1407 Phenylpropanolamine (PPA) Products Liability Litigation

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Title of Case	Your Number
1. Jenkins vs. Bayer Corp	1:01-2090
2. McKey vs. Bayer Corp	1:01-2091
3. Stemmann vs. Bayer Corp	1:01-2093
4. Norwood vs. Bayer Corp	1:01-2094
5. Young vs. Bayer Corp	1:01-2097
6. Williams vs. GlaxoSmithKline	1:01-1981
7. Beech vs. Smithkline Beechman	1:01-2099
8. Taylor vs. Bayer Corp	1:01-2092
9. Mitchell vs. Bayer Corp	1:01-2141

Sincerely,

BRUCE RIFKIN, CLERK
BY *Mary Duett*
Mary Duett, Deputy Clerk
206-553-4080 ext 2154

WAW Number
C01-2095
C01-2096
C01-2097
C01-2098
C01-2099
C01-2100
C01-2101
C01-2102
C01-2103

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 19, 2001

Lawrence Talamo, Clerk
US District Court
Russell B. Long Federal Bldg.
777 Florida Street
Baton Rouge, LA 70801-1712

IN RE: MDL 1407 Phenylpropanolamine (PPA) Products Liability Litigation

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1. Lowery vs. Bayer Corp	3:01-844	C01-2104
2. Hand vs. Chattem Inc	3:01-849	C01-2105
3. Alexander vs. Bayer Corp	3:01-860	C01-2106
4. Wolfe vs. Bayer Corp	3:01-861	C01-2107
5. Nuernberg vs. Novartis Corp	3:01-864	C01-2108
6. Butitta vs. Novartis Corp	3:01-865	C01-2110
7. McGee vs. Bayer Corp	3:01-872	C01-2111

Sincerely,

BRUCE RIFKIN, CLERK
BY *Mary Duett*
Mary Duett, Deputy Clerk
206-553-4080 ext 2154

INVOLVED CLERKS LIST (CTO-5)
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Francis E. Dosal
202 U.S. Courthouse
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